BEAUFORT SEA ENVIRONMENTAL ASSESSMENT PANEL

PROCEDURES FOR COMMUNITY SESSIONS

FEBRUARY, 1983

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BEAUFORT SEA ENVIRONMENTAL ASSESSMENT PANEL

INTRODUCTION TO PROCEDURES FOR PUBLIC SESSIONS

Because of the large number of participants and the scope and complexity of the evidence anticipated, the Beaufort Sea Environmental Assessment Panel has prepared the attached Procedures. In this review participants should be striving to direct their energies to the common goals of analyzing the potential impacts of the proposal, hearing the views and aspirations of Northern residents, and expressing opinions on the proposal. This approach requires all participants to be cooperative, courteous and helpful to one another when discussing facts and opinions.

The Panel desires to have an efficient and fair review, with adequate opportunity for participation from all interested persons. Fairness implies an equal opportunity to present views and opinions, without undue pressure from lawyers and others with technical expertise. Accordingly, these Procedures have been prepared, keeping in mind the following considerations:

i) The balance between the need for order and efficiency and the desirability of an informal atmosphere to encourage public participation.

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SUPPORT FOR ENVIRONMENTAL ASSESSMENT WORK

INTRODUCTION OF PROCEDURES FOR PUBLIC HEARINGS

Because of the large number of participants and the scope and complexity of the evidence anticipated, the Northern Area Environmental Assessment Panel has produced the attached procedures. In this course participants should be striving to achieve public understanding of the issues and analysis the potential impacts of the proposal, review the views and contributions of interested residents, and explore alternatives to the proposal. This approach requires all participants to be cooperative, courteous and helpful in the sometimes difficult task of sorting facts and opinions.

The Panel desires to have an efficient and fair review, with adequate opportunity for participation from all interested persons. Everyone begins on equal opportunity to present views and opinions, without undue influence from lawyers and others with technical expertise. Accordingly, these procedures have been developed, keeping in mind the following considerations:

1) The hearing process should be used for clear and efficiency and the orderliness of an informal adjudicative to consider public participation.

MODIFIED FORMATS

ii) A process which accomodates the general public, the views and concerns of members of the affected communities, technical experts, the proponents and the government.

iii) Procedures sufficient to give an organized structure to the assessment without making the public sessions unduly complicated or rigid.

iv) A balance between the desire of each participant to present his views in a manner most favourable to their reception and the need for some consistency in method of presentation.

While these Procedures embody and expand upon the Operating Procedures released earlier by the Panel, they are not intended to cover every possible eventuality. Thus it should not be assumed that if something is not found in the Procedures, it cannot or will not be done; nor is it the spirit of the Procedures to follow them in every instance to the letter. While procedures should, in general, be observed, if there are strong reasons why the purposes of the Assessment can better be achieved through following some other procedure, the Chairman always has the discretion to amend, or to waive a procedure for any good reason.

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BEAUFORT SEA ENVIRONMENTAL ASSESSMENT PANEL

PROCEDURES FOR COMMUNITY SESSIONS

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Purposes of Procedures

1. The Purposes of these Procedures are:

i) to permit the assessment of the environmental and socio-economic impacts of the Beaufort Sea proposal by means of procedures which are efficient and fair;

ii) to create an informal atmosphere, but with sufficient structure to provide useful results to participants and to the Panel.

(iii) to encourage cooperative and constructive discussion among participants.

Implementation and Interpretation

2. (1) These Procedures will be implemented so as to achieve the purposes set out in Procedure 1, and interpreted in a non-technical, common-sense manner.

(2) All procedural matters will be considered and decided by the Chairman.

(3) Any time limit or any other provision of any Procedure may be varied by the Chairman if he is satisfied that the purposes of these Procedures would better be achieved thereby.

Tone and Style

3. Participants will be required to present their views or questions in a tone and style that is courteous to and respectful of others.

Communications

4. (1) Members of the Panel will avoid private oral or written communications about substantive issues associated with the Assessment with anyone outside of the Panel's Staff and the Technical Specialists.

Purposes of Procedures

1. The Purposes of these Procedures are:

(i) to permit the assessment of the environmental and socio-economic impacts of the Revised Sea proposal by means of procedures which are efficient and fair;

(ii) to create an informal atmosphere, but with sufficient structure to provide useful results to participants and to the Panel.

(iii) to encourage cooperative and constructive discussion among participants.

Implementation and Interpretation

2. (1) These Procedures will be implemented so as to achieve the purposes set out in Procedure 1, and interpreted in a non-technical, common-sense manner.

(2) All procedural matters will be considered and decided by the Chairman.

(3) Any time limit or any other provision of any Procedure may be varied by the Chairman if he is satisfied that the purposes of these Procedures would better be achieved thereby.

Tone and Style

3. Participants will be required to present their views or questions in a tone and style fair in courtesy to and respectful of others.

Communications

4. (1) Members of the Panel will avoid private oral or written communications about substantive issues associated with the Assessment with anyone outside of the Panel's staff and the Technical Specialists.

(2) Any communication about the substance of the Assessment received by a Panel member will promptly be committed to writing (if not already in written form) by the Panel member(s) involved and will be made public by placing the writing on the Public File, in accordance with Procedure 5.

(3) Other than at Sessions, all communications on substantive issues associated with the Assessment are to be conducted through the Office of the Executive Secretary.

(4) Communications with Panel members about purely procedural matters such as dates, locations or procedures for Sessions are permitted.

Openness and Public File

5. (1) All proceedings of the Panel will be conducted openly and publicly, with the sole exception of confidential deliberations of the Panel, Staff and Technical Specialists.

(2) A Public File for examination by any member of the public will be kept at the Office of the Executive Secretary and an Index of the Public File will be available at the Sessions.

(3) All information submitted to the Panel by any of the participants will be made public by placement in the Public File, or otherwise, as may be ordered by the Chairman.

(4) Copies of all correspondence relating to the Panel review process, and to matters of procedure will be placed on the Public File.

(5) Any submissions (other than those at a Session) must be in writing, with a copy provided to every other person who has commented on the EIS or otherwise indicated an intention to participate. No ruling will be made on any submission until a reasonable opportunity has been afforded to the other participants to reply.

Technical Specialists

6. (1) The Panel may retain persons specialized in various disciplines as Technical Specialists.

(2) Technical Specialists will review the EIS and other submissions of parties to the Assessment, as requested by the Panel.

(3) When these reviews have been completed and presented to the Panel, they will be made public.

(4) Any participant may request a consultation with a Technical Specialist through the Executive Secretary.

(5) Consultations will be limited to advice only, as it is not the function of Technical Specialists to prepare the submissions of participants.

Community and General sessions

7. (1) The public meetings to be held by the Panel will be of two kinds: Community Sessions and General Sessions.

(2) Community Sessions are intended to be informal and non-technical, to permit members of communities to provide their views to the Panel.

(3) General Sessions will be more structured, but also informal and open to anyone wishing to make a

presentation, and will include consideration of technical matters.

Legal Formalities Not to Apply

8. (1) Court-like procedures will not be followed at the Sessions and therefore it will not be necessary to retain legal counsel.

(2) Participants will not be required to swear any formal oath or to make any affirmation to tell the truth.

Limitation of Discussion

9. The Chairman may exercise his discretion to limit or exclude questions or comments which fall outside of the mandate of the Panel, are needlessly repetitive, or are irrelevant or immaterial.

Sessions Notices

10. These Procedures are of general application but, from time to time, the Chairman may issue Session Notices setting out the dates, times, and locations of Community Sessions, and may vary these rules, or their application, as he considers necessary.

Purpose of Community Sessions

11. The main purpose of Community Sessions is to permit community members to provide their views of the likely impacts of the proposal on their community. These Sessions will be held in the smaller communities potentially affected by the proposal, to encourage contact between the Panel and community members and representatives.

Schedule

12. A schedule setting out forthcoming Community Sessions will be made available by means of a Session Notice. This Notice will be sent to the community at least 14 days before the Session.

Interpreters

13. Interpreters will be provided at all Sessions if requested by the community and considered necessary by the Panel. Requests for such services should be made to the Secretariat well in advance of the Sessions to ensure that arrangements can be made.

Notes

14. Verbatim transcripts may not be taken at all Community Sessions but, where not, the Staff and Panel members will make tapes and careful notes of the proceedings.

Procedures

15. Procedures for Community Sessions will be informal.They will be outlined by the Chairman at the opening of the Session.

Time Limits

16. Although time limits will not be strictly imposed, Community Session participants will be encouraged to make their presentations within 30 minutes.

Non-Community Participants

17. Except for proponents (who will be permitted to make a short presentation at the opening of the Community Session, to explain their proposals) and the Panel Secretariat (who will provide an overview of previous comments pertaining to that community from other intervenors) the opportunity to make presentations will be limited to representatives and members of the communities. Non-community participants, except for those invited by the Panel or the community, are encouraged to appear at the General Sessions instead but, if special circumstances exist, may be permitted to make presentations at the discretion of the Chairman.

Role of Proponents

18. The number of representatives of the proponents at Community Sessions will normally be limited to three but this number may be increased at the

discretion of the Chairman. The proponents should summarize within 30 minutes those aspects of their proposal relevant to the geographic area in which the Community Session is being held. The proponents will be expected to respond to questioning.

Questioning and Statements

19. (1) After the proponents' summaries and Panel questioning of them has been completed, each participant may ask questions about the proposal and make a short statement. This may include any concerns or criticisms he may have of any of the proposals.

(2) At the conclusion of the statement of each community participant, a proponent may, if the Chairman permits, also ask questions limited to purposes of information and clarification.

(3) After the statements of all of the community participants have been presented, and any questioning on these has been completed, a proponent may request permission to make a final reply. The Chairman may grant this request and may set such time limit for the reply as he considers appropriate.

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